

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ELDORADO BROWN,

Plaintiff,

V.

WASHINGTON DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

CASE NO. C13-5367 RBL-JRC

**ORDER VACATING THE ORDER
COMPELLING DISCOVERY AND
RE-SETTING A CASE SCHEDULE**

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creature. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), Fed. R. Civ. P. 72, and local Magistrate Judge Rules MJR3 and MJR4.

Defendants have filed two motions. In the first motion, defendants ask the Court to vacate a prior order that compelled discovery responses and ordered defendants to show cause why sanctions should not be entered (Dkt. 50). Counsel explains that he had surgery, was in the hospital, and could not respond to plaintiff's counsel's phone calls. Counsel explains that when he learned of the calls he contacted plaintiff's counsel and reached an agreement regarding outstanding discovery. Defendants' counsel states it was his understanding that the motion to

1 compel would be struck (Dkt. 51). Plaintiff has not responded to defendants' motion. Thus,
2 defendants' motion is unopposed. The Court grants defendants' motion. The Court orders that
3 the order granting plaintiff's motion to compel, (Dkt. 49), is struck from the record.

4 In the second motion, defendants ask the Court to extend the discovery cutoff date and
5 dispositive motion cutoff date (Dkt. 53). Defendants ask for a dispositive motion cutoff of
6 September 1, 2014 and a discovery cutoff of September 12, 2014. Usually the discovery cutoff
7 is well in advance of the dispositive motion cutoff. The parties have not provided the Court with
8 any reason to change the normal practice. Accordingly, the Court orders that discovery in this
9 action must be completed by September 12, 2014. Service of responses to interrogatories and to
10 requests to produce, and the taking of depositions, shall be completed by this date. Fed. R. Civ.
11 P. 33(a) requires answers or objections to be served within thirty (30) days after service of the
12 interrogatories. The serving party, therefore, must serve his/her interrogatories at least thirty (30)
13 days before the deadline in order to allow the other party time to answer.

14 The Court orders that dispositive motion must be filed on or before October 10, 2014.

15 Dated this 15th day of May, 2014.

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18 J. Richard Creatura
19 United States Magistrate Judge
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